UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,352	05/08/2001	G. Christian Alford	004939.P008	4681

7590 03/16/2004	**EXAMINER**
Sanjeet K. Dutta	KENDALL, CHUCK O

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ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No	Applicant(s)	
Offic Action Summary		09/852,352	ALFORD ET AL.	
		Examiner	**Art Unit**	
		Chuck O Kendall	2122	

-- The MAILING DATE of this communication appears on the cover sheet with th   correspondence address --

Period f r R ply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2003*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *7*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 12/15/03.

2. Claims 1 – 26 have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102

that form the basis for the rejections under this section made in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

You et al. USPN 5,787,245 (hereinafter "You"), in view of Beale et al. USPN 6,128,679

(hereinafter "Beale").

Regarding claim 1, You discloses a system (a method, & a product, see

columns 79 – 81, lines 1-35) comprising: a first portable thread environment (PTE)

(60:35-50, see server), comprising a diagnostic tool (Col. 60:35 – 45), each thread

comprising a plurality of executable program fragments (Col.8: 42 – 45, see thread can

cause events which the debugger processes). You, doesn't explicitly disclose a Second

or Third PTE environment being configured to receive and send threads. However,

Beale does disclose this feature in an analogous art (FIG.4, see parts **52** *"Second PTE*

environment", and **53** *"Third PTE environment"*, see SEND THREAD and GET

THREAD, also see Col.3: 27 – 45). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine You and Beale

because, it would simplify processing and communicating data to and from (sending and receiving) the targeted system (Beale, 3:27 – 40).

Regarding claim 2, the system of claim 1 wherein the diagnostic tool uses the copies to generate diagnostic messages (You, Col.10:56 – 59).

Regarding claim 3, the system of claim 2 wherein the diagnostic messages show the threads execution order (You, Col.2:43 – 48).

Regarding claim 4, the system (for method, see column 82) of claim 2 wherein the diagnostic messages show all messages generated by the threads (You, Col.8:40 – 45).

Regarding claim 5, the system of claim 2 wherein the diagnostic messages show all messages generated for the threads (You, Col.8:40 – 45).

Regarding claim 6, the system of claim 2 wherein the diagnostic messages trigger new events to be performed (You, Col.8:28 – 37).

Regarding claim 7, the system of claim 2 wherein the diagnostic tool identifies the threads source (You, Col.10:11, see client identification, also see You, Col.33:10 – 20).

Regarding claim 8, the system of claim 2 wherein the diagnostic tool truncates threads exceeding a predetermined size (You, Col.27: 3 – 5).

Regarding claim 9, You discloses a method, (and system, You, Col. see FIG. 2) comprising: each thread comprising a plurality of executable program fragments (Col.8:42 – 45, see thread can cause events which the debugger processes); copying the threads (You, Col.34:8 –11); generating a diagnostic message by a PTE Tool (You, Col.10:56 – 59); and displaying the diagnostic message, wherein the diagnostic message shows the threads execution order (You, Col.7:20 –26 , see display and for execution order see program state). You, doesn't explicitly disclose intercepting threads. However, Beale does disclose this feature in an analogous art (Col. 2:22 – 25, for intercept see, "that cause data to be received from the Network"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine You and Beale because, it would simplify processing and

communicating data to and from (sending and receiving) the targeted system (Beale, 3:27 – 40).

Regarding claim 10, method version of claim 4.

Regarding claim 11, method version of claim 5.

Regarding claim 12, method version of claim 6.

Regarding claim 13, method version of claim 7.

Regarding claim 14, method version of claim 8.

Regarding claim 15, system version of claim 9.

Regarding claim 16, see reasoning in claim 4.

Regarding claim 17, see reasoning in claim 5.

Regarding claim 18, see reasoning in claim 6.

Regarding claim 19, see reasoning in claim 7.

Regarding claim 20, see reasoning in claim 8.

Regarding claim 21, computer-readable medium version of claim 1.

Regarding claim 22, computer-readable medium version of claim 4.

Regarding claim 23, computer-readable medium version of claim 5.

Regarding claim 24, computer-readable medium version of claim 6.

Regarding claim 25, computer-readable medium version of claim 7.

Regarding claim 26, computer-readable medium version of claim 8.

Response to Arguments

5. Applicant's arguments filed 12/15/2003 have been fully considered but they are not persuasive, as will be addressed below. For example:

Argument (1), Applicant argues that Prior art doesn't show each thread comprising a plurality of executable program fragments.

Response (1), As set forth above in claim 1, see (Col.8: 42 – 45) which shows

threads causing events which are processed by the debugger. Hence, Examiner

believes this function to be equivalent to Applicant's claim limitation.

Argument (2), Applicant argues that Prior art doesn't show sending and receiving

threads.

Response (2), As set forth in claim 1, Beale (as necessitated by amendment)

shows, sending and receiving threads in a thread environment, see (FIG.4, see parts **52**

"Second PTE environment", and **53** *"Third PTE environment"*, see SEND THREAD and

GET THREAD, also see associated text, Col.3: 27 – 45).

Argument (3), Applicant also argues that in claim 9 and 21, that Prior art does not

show intercepting threads past from a first PTE to a Second PTE.

Response (3), As set forth in claim 9 and 21 Beale also discloses intercepting

threads (Col. 2:22 – 25, for intercept see, "that cause data to be received from the

Network").

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented

in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Correspondence Information

7.   Any inquires concerning this communication or earlier

communications from the examiner should be directed to Chuck O.

Kendall who may be reached via telephone at (703) 308-6608. The

examiner can normally be reached Monday through Friday between 8:00

A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Tuan Dam *can be* reached at *(703) 305-4552.*

Any inquiry of a general nature or relating to the status of this

application or proceeding should be directed to the Group receptionist

whose telephone number is *(703) 305-3900.*

For facsimile (fax) send to central FAX number 703-872-9306 *and*

703-7467240 draft.

Chuck O. Kendall

Software Engineer Patent Examiner

TUAN DAM
SUPERVISORY PATENT EXAMINER